

# North Dakota Department of Health



**Lead-based Paint Update**



# Regulations

- 1) Lead-based Paint
- 2) Asbestos Regulations
- 3) “MOLD”?
  - Healthy Homes Initiative - HUD



# Lead - Where is it?

- Pre-1978 homes
- Toys, fishing equipment, blinds, crayons, water, pottery, lead crystal, solder
- Higher percentage in pre-1950 homes
- Homeopathic medicines
- Some foreign foods that are imported
- Some people come into country with elevated blood lead levels.

# Lead-based paint hazards in a pre-1978 home

- Dust and paint chips
- Deteriorated painted / varnished surfaces
- Friction surfaces
- Impact Surfaces
- Chewable surfaces
- Soil
- Vary rarely in the water!



# Lead-based paint regs

- New regulations published in 1999
- Section 1012 of the Residential Lead-Based Paint Hazard Reduction Act of 1992
- a.k.a Title X Subpart J
- 24 CFR Part 35 - HUD
- 40 CFR 745 - EPA
  - LBP RRP – 2010
  - Abatement regulations – 2001 (ND)

# Applicability

- If you are doing rehab on a pre-1978 home or child-occupied facility and broken painted surfaces exist, or if the work you are doing will impact paint, you must address all potential lead hazards, including soil.
- Commercial or Industrial buildings being renovated into rental or condo spaces
- Houses being moved to be re-occupied

# Painted Surfaces

- Any coated surfaces such as stained, shellacked, painted, or covered with wallpaper.
- Or if surface is covered with vinyl or steel siding you have to assume LBP unless you can prove no LBP can be found under it.
  - Surfaces being impacted!







# Exemptions

- House built after 1-1-78
- Housing exclusively for elderly (unless children under 6 could be present for prolonged periods of time )
- Efficiency apts, dorms, military barracks
- Certified lead-free property
- Property where LBP was removed and clearance was achieved

# Exemptions

- Unoccupied units that will remain vacant until it is demolished
  - This does not mean houses that are being moved from their foundations!
  - NDDH Memo on Demolition
- Non-residential property
  - No Exemption for child-occupied facilities
- Rehab where a painted surface will not be disturbed

# Exemptions

- Rehab where only a “de minimis” amount of paint is disturbed
- Emergency repair actions needed to safeguard against imminent danger or further structural damage
- Emergency housing (e.g. homeless) assistance that lasts less than 100 days per year
- NOTE: All exemptions must be documented

# De Minimis

- 2 square ft/room on the interior,
  - EPA has 6 square ft/room on interior
- 20 square ft on the exterior, and
- 10% of a small component (e.g. sills)
- Window replacement is never considered “De Minimis”

# What You Need To Do

- Disclosure
  - “Renovate Right” for Rehab work
  - “Protecting Your Family From Lead” - Rental
- Inspection - Scope of Work
- Evaluation - \$/ What regs to use
- Address the Hazard
- Clearance
- Notification for LBP Abatement
- Record Keeping

# Disclosure Requirements

- Construction
  - Renovate Right
  - Sign form
  - 3 year record retention
- Multi Family
  - Renovate right
    - Included O&M, Remodeling & Maintenance
  - Post signs in common areas





# Inspection

- Inspect the home to determine needed rehab
  - Housing Quality Standard Training
- Important to identify all repairs needed
  - Inside & outside the structure



# Federal Assistance

- All Federal funds provided for the project. Regardless if used for acquisition, construction, soft cost or other purposes.
- Also includes funds from programs income but excludes low-income housing tax credit funds (LIHTC), Dept of Energy Weatherization Program Funds or non-federal funding sources.
- Does not Exclude Federal Pass Through \$
  - Think FEMA, SHPO, USDA-RD

# Evaluation \$ & Lead Regs

## Residential Homes

- ↓ \$5,000 renovation cost
  - Test for LBP(RA) or presume LBP.
  - Use LBP-SWP on any paint that is disturbed
  - LBP-RRP trained/Lic contractors
  - Preformed clearance once work is completed. (de-minimis exemption)
- ↑\$5,00-↓\$25,000
  - Risk assessment
    - Multifamily include common areas
  - Perform interim controls for all lead hazards ID in RA report and created by renovation work
  - LBP-RRP trained/Lic contractors
  - Clearance required

# Evaluation \$ & Lead Regs

## Demos & Renovations

### Residential Homes

- **Renovation**

- ↑ \$25,000 renovation
  - Abatement
  - Notification
  - Certified Abatement Contractors
  - Clearance before non certify workers enter/start
- ↓ \$25,000 ??
  - Intent
  - Regular RRP work with clearance required

- **Demolition**

- Before May 1, 2014
  - Will need clearance by Cert Risk Assessor
  - Will need to notify State of job before it begins.
  - Waste Issues
- After May 1, 2014
  - No further regulations for demos, unless required under contract

# \$ & Lead Regs

## Multi Family

- Renovation
  - ↑ \$25,000 renovation
  - Mandated to have a Risk Assessment conducted.
  - Presume LBP for RRP work
  - Abatement
    - Notification
    - Certified Abatement Contractors
  - Clearance before non - certify workers enter/start
  - All O&M must use LBP-SWP
- ↓ \$25,000
  - Risk Assessment Mandated
  - Interim Controls of all LBP Hazards inside the Bldg
  - Trained LBP-RRP contractors
  - Abatement (Intent)
  - Regular R&R work with clearance required

# Requirements for Acquisition, Leasing or Supportive Services

- LBP Safe Rule Applies
- Lead Hazard Assessment – visual assessment need for the initial & periodic inspection by a person who is trained to detect deteriorated LBP/- immediately after receipt of Federal Assistance
- Deteriorated paint must be stabilized by workers trained in LBP- SWP (Cert RRP)
- Clearance is required too



# Interim Controls

- Acceptable way to reduce exposure to LBP hazards, although not permanent
- Paint stabilization
- Treatment of friction & impact surfaces
- Treatment of chewable surfaces
- Lead-contaminated dust control (24 CFR 35.1330)
- Lead-contaminated soil control

# Abatement

- Permanent elimination of lead-based paint hazards
- Remove lead-based paint and its dust
- Permanently encapsulate or enclose the LBP
- Replace components that have LBP
- Use ND LBP Certified and Licensed Abatement Firms

# Clearance/Notification

- ALWAYS Do this!
- Methods and standards per EPA at 40 CFR 745.227(e) – Dust Wipe sent to lab
- Must be done by ND certified clearance inspector/risk assessor
- NOT done by contractor who did the work
- Copy of report to owner and occupant
- 24 CFR 35.930

## Lead-Safe Renovation, Repairs and Painting

**Contractors Must Be  
Lead-Safe Certified**



- [How to become Lead-Safe Certified](#)
- [Accredited training providers near you](#)
- [Certified firms near you](#)
- [Find out about EPA-recognized test kits](#)
- [Find out if your state is operating the certification program instead of EPA](#)
- [Frequent Questions](#)
  - [Answers to your questions -- Bookmark our new address!](#)
  - [Printer friendly version \(PDF\) \(74 pp, 242K\)](#)
  - [Submit questions](#)

## Highlights

Alabama has become the tenth state to administer its own Renovation, Repair and Painting (RRP) program. [Learn more.](#)



[www.epa.gov/lead](http://www.epa.gov/lead)

# Future and/or Changes to Regs

- Commercial Regulations – EPA
- Online refresher training for RRP
- Blood lead levels drop from 10ug/dl to 5ug/dl – CDC/ ND
- RRP allows use of Swabs and taking of paint chip samples –HUD Does Not
- Funding by EPA & HUD
- Physical Condition Standards - HUD
- ND State LBP Rule Changes



# EPA Asbestos Regulations

- National Emission Standard for Hazardous Air Pollutants (NESHAP)
  - Authority under the Clean Air Act (1973)
  - Adopted in full by State
  - Standards for handling and disposal of Asbestos Containing Material (ACM) during renovation and demolition activities
  - Notification of Work
  - Regulated commercial buildings & apartment with 5 or more units.
    - Not Residential Housing except for large projects. ( Think flood buyouts



**LAY-IN  
ACOUSTIC  
CEILING TILE**



**GLUE-ON  
ACOUSTIC  
CEILING TILE  
& EXPOSED  
BROWN MASTIC**



**ASBESTOS CEMENT COUNTER TOP  
(STAUFFER II)**



**ASBESTOS CEMENT  
(AC) PIPE**



**ASBESTOS CEMENT  
LAB FUME HOOD  
EXHAUST DUCT**

# IAQ

## HUD's Healthy Homes Initiative

- IAQ problem or comfort?
  - Heat/cold
  - Humidity
  - Ventilation
  - Product/smell/???
- Health issue
  - Asthma
  - Sickness (flu like, hives, allergies etc...)
- Training Programs
  - HUD
  - EPA
  - CDC



# Issues Causing IAQ Problems

- Building Maintenance
- Over crowding of rooms/building
- Stuff!!!
- Animals
- Chemicals
- Fresh air intakes being closed off



# Mold

- Mold
  - No Federal or State regulations
  - Guidelines & BMP's for removal & testing
- To Test or Not to Test?
  - Moisture test
  - Sniff test



# Mold or Salt





# Mold



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# State Legislation Regulations

- California
  - 2003 Mold Disclosure for real-estate and rentals
  - 2011 Department of Health could not set a “standard” for safe levels of mold exposure. ( 2014 )
- Texas (2004)
  - Mold Worker and Company Lic and Cert and Training
- Massachusetts(2006)
  - Bill # 4766 (Sick Building Rule)
  - Mandated DEQ and MOHSA to establish standards concerning IAQ/Mold
  - Enforcement and investigation authority
  - Mandates all public building to have a prevented and maintenance program in place – Healthy Homes

Questions?

# Contact Information

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